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	COMPLAINT
Plaintiff,	
! -	08 CIV. 238
	BRIEANT
Defendant.	U.S. DISTF ZOOB WAR - S.D. OF
	Plaintiff,

COMPLAINT FOR VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

Plaintiff Velma E. Brown by and through her attorney, Abraham Kleinman, files this complaint against defendant Mann Bracken LLC. for its violations of the Fair Debt Collection Practices Act.

Introduction

1. This action seeks redress for the illegal practices of Defendant, Mann Bracken LLC, concerning the collection of debt, in violation of the Fair Debt Collection Practice Act, 15 U.S.C. § 1692, et seq. ("FDCPA").

Jurisdiction and Venue

- 2. This Court has Federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
- 3. Venue is proper in this District because the acts and transactions that give rise to this occurred, in substantial part, in this District. Additionally, Brown resides in this District and the Defendant transacts business here.

- Wanda E. Brown is a citizen of the State of New York, Bronx County who resides 4. in this District.
- 5. Velma E. Brown is a "Consumer" as that term is defined by § 1692(a)(3) of the FDCPA in that the alleged debt that the Defendant, Mann Bracken, LLC, sought to collect from her is a consumer debt, purportedly originally owed to FIA Card Services, N.A.
- Upon information and belief, Defendant Mann Bracken, LLC, is an active 6. Limited Liability Company, licensed by the City of New York Department of Consumer Affairs as a debt collection agency.
- 7. Defendant, Mann Bracken, LLC is regularly engaged in the collection of debts allegedly owed by consumers.
- 8. Defendant, Mann Bracken, LLC is a "Debt Collector" as that term is defined by § 1692(a)(6) of the FDCPA and maintains New York City Department of Consumer Affairs Debt Collection Agency license number 1268014.
- 9. On or about March 9, 2007 plaintiff received an unsigned mass produced computer generated collection letter from Mann Bracken, LLC which attempted to collect a debt on behalf of FIA Card Services, N.A. Exhibit A.
- Upon information and belief, neither defendant nor any attorney reviewed the 10. consumer's account prior to the date of the letter at issue.
- 11. Said letter stated: "Depending upon your account agreement with the creditor, interest, late charges and other charges may continue to accrue on your account. Therefore, the amount due on the date you pay may be greater." Exhibit A.
- 12. Said language evidences that there has not been the requisite review by an

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attorney as an attorney is charged with knowing whether the account agreement with its client provides for the imposition of interest, late charges and other charges.

AS AND FOR A FIRST CAUSE OF ACTION

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

- Brown realleges and incorporates herein by reference, all the foregoing 13. paragraphs as if set forth fully herein.
- 14. Upon information and belief, the March 9, 2007 collection letter is a form letter sent by Mann Bracken, LLC to the Plaintiff.
- 15. Collection letters, such as those sent by Defendant, Mann Bracken, LLC are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."
- 16. Sections 1692e(3) and 1692e(10) require an attorney debt collector to meaningfully review its correspondence prior to issuance to a consumer.
- 17. Section 1692g(a)(1) requires the debt collector's notice to contain the amount of the debt.
- 18. Defendant's violated the FDCPA. Defendant's violations include, but are not limited to, the following:
 - (a) Defendant violated 15 U.S.C. § 1692e(3) and 1692e(10) by falsely representing that an attorney was materially involved in the matter prior to issuing the collection letter at issue.
 - Defendant violated 15 U.S.C. § 1692g(a)(1) by failing to notify the consumer of a sum certain due by stating " ... the amount due on the date you pay may be greater."

WHEREFORE, the plaintiff requests that this Court grant the following relief in their favor, against Mann Bracken, LLC as follows:

- a) The maximum statutory damages provided by section 1692k of the FDCPA against each defendant;
 - b) Attorney's fees, litigation expenses and costs;
 - c) Any other relief that this Court deems just and proper.

Dated: Uniondale, New York March 6, 2008

Abraham Kleinman (AK-6300)

KLEINMAN LLC RexCorp Plaza

Uniondale, New York 11556-0626

Telephone (516) 522-2621 Facsimile (888) 522-1692

Plaintiff requests trial by jury on all issues so triable.

Abraham Kleinman (AK-6300)

Principal Office: CAE Pages West, 578 1400 STET PAGES WEST, 678 1400 STEATH AGE 30300 ALLANTA, GA 30300 MAIN: 6765 222-623 PAIC: 6765 601-2368 MID ATLANTIC OFFICE: 1989 GALLOWS RD, STE 240 VIENNIA, VA 22162 MASK: (808) 608-7673 FA)C: (709) 208-8070 CAROLINA OFFICE: 227 WEST TRADE ST. STE 1510 CHARLOTTE, NC 2002 MAIN! (677) 889-8065 PAX: (704) 887-8888 TENNISSES OFFICE: 209 10 "AVE 8, 8TE 812 NAEHYLLE, TN 37200 MARK (677) 278-8374 FAX: 845) 288-434 TEXAS OPPIDE: 8400 UNI PRESMAY 1840 ONE LINCOUN ONTR DALLAS, TX 72240 PAAX: (800) 780-7451 PAX: (877) 682-6001

March 9, 2007

PERSONAL & CONFIDENTIAL
Velma B Brown
3040 COLDEN AVE
BRONX, NY 10469

Name of Creditor: FIA Card Servic es, N.A. Account Number: 4888937991480296

Balance: \$7453.72

Mann Bracken No.: 7586280

Dear Velma E Brown:

The above referenced account has been referred to this firm for collection. The Balance above is the amount owed as of the date of this letter. Depending upon your account agreement with the creditor, interest, late charges and other charges may continue to accrue on your account. Therefore, the amount due on the date you pay may be greater. If you pay the Balance above and an additional payment is required for your account to be closed as paid in full, we will attempt to contact you again.

This firm practices law in DC, GA, MD, NC, SC, TN, TX, VA and WV. Accounts in other jurisdictions may be forwarded to an attorney licensed in that jurisdiction should a local attorney become necessary. This does not affect your rights set forth in this letter or any other rights you may have.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or a copy of a judgment if one exists and mail you a copy of such verification or judgment. If you request from this office in writing within 30 days from receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

To discuss payment arrangements, please contact us at 1-800-422-5196.

Sincerely, MANN BRACKEN, LLC

This communication is from a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose.

IDL - 471007 - 7586280